

REMARKS/ARGUMENTS

Claims 1-24 remain pending herein.

Claims 3, 20 and 24 have been amended as requested in the Office Action, page 2, lines 3-7. It is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

Claims 5-17 and 21-23 were objected to under 37 C.F.R. 1.75(c). It appears that the U.S. PTO has overlooked the Preliminary Amendment filed on February 21, 2002. Attached is a copy of that Preliminary Amendment, as well as a copy of a Postcard Receipt bearing the date stamp of the U.S. PTO, confirming that the Preliminary Amendment was filed on February 21, 2002. The Preliminary Amendment filed February 21, 2002 eliminated all multiple dependencies. Accordingly, it is respectfully requested that the U.S. PTO reconsider and withdraw this objection.

Claims 1-14, 18-20 and 24 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 4,197,429 (Sparber '429).

The applicant respectfully disagrees with this rejection. Sparber '429 and the present application are directed to fundamentally different inventions. Sparber '429 is concerned with a circuit to enable conference calls on a telephone system. This enables, for example, 3 or more parties to converse with each other over separate telephone handsets connected to a common switching network. In short, the Sparber '429 invention arises to address the problem with low signal levels when a third or additional subscriber has connected to a conference call. To this end, Sparber '429 proposes detecting signal levels on appropriate lines between the subscribers and a network switch and controlling amplifier circuits to adjust the magnitude or level of amplification of input signals from each subscriber if the signals are detected as falling below a prescribed level. In Sparber '429, if a signal is lost at an input to the network switch 150 then the corresponding subscriber simply does not connect to the conference call. Sparber '429 does not propose or suggest a switching system that will

automatically reroute a signal to allow a continuation of communication in the event that an input signal to the switch 150 is lost.

Further, in Sparber '429, each of the three ports P0, P1 and P2 are simultaneously used to enable communication between the subscriber stations 101, 102 and 103. For example, a person speaking on the subscriber station 101 connected to port P0 is able to be heard by the subscribers on subscriber stations 102 and 103 simultaneously. That is, in Sparber '429, there are always signal flows between all of the ports P0, P1 and P2 and more importantly the loss of a signal from one of the ports, for example port P0, does not result in the switch 150 finding an alternate route to allow reconnection of Port P0 to the ports P1 and P2.

Attention is directed to column 7, lines 30-37 which read:

A function of the conference circuit 150 is to provide amplification and gain control to effect a variable negative shunt impedance during a pre-subscriber conference call when each of the subscriber stations 101 through 103 associated with the conference call is connected to one of ports P0 through P2 through the network connections previously described with effect to figure 1.

[emphasis added]. The above passage from Sparber '429 clearly highlights the intention that all ports of the switch or circuit 150 exchange traffic simultaneously. This is of course to be expected given that Sparber '429 is directed to a conference call circuit where it would be an absolute requirement that each party connected to the circuit would be able to receive and transmit signals at the same time.

The U.S. PTO in the analysis of claim 1 under paragraph 4 of the Office Action attempts to map various features of present claim 1 onto various disclosures in Sparber '429. However, it is respectfully noted that this mapping is not accurate. It is true that Sparber '429 contains first, second and third ports, but contrary to the U.S. PTO's assertions, the switch in Sparber '429 is not arranged so that a first flow presented to the input of one of P1-P3 is delivered to the output of another P1-P3 and a second flow presented to the input of said other of P1-P3 is delivered to the output of said one of P1-P3. Rather, in Sparber '429, a first flow presented to the input of one of P1-P3

is delivered to the output of both of the other of P1-P3 and a second flow presented to the input of another of P1-P3 is delivered to the output of both the other ones of P1-P3. If this were not the case, then Sparber '429 clearly could not provide or facilitate a conference call among three (or more) parties. In short, Sparber '429 provides a switch in which each of the three ports is able to communicate with each other simultaneously. This is to be contrasted with the present invention in which at any one time, communication flows between only two of the three ports.

Further, the U.S. PTO's reliance upon the section in Sparber '429 at column 9, lines 52-63 to support the view that Sparber '429 discloses a control means of the type defined by present claim 1 is, with respect, misplaced. This section of Sparber '429 only describes the situation of one of the three subscribers hanging up. In that event, the switch in Sparber '429 effectively has only two ports and these two ports remain in communication with each other. The maintenance of this communication may be either via the conference switching circuit 150 itself, or via other paths in the switch network 130, in which case the switch circuit 150 is disconnected. This is clearly set out in Sparber '429 at column 9, lines 41-51. In the first instance, there is no rerouting of the signals from between the remaining two connected ports. Thus, the feature of a control means "internally diverting the other of the first flow and second flow to presented to the output of a remaining one of P1-P3" as defined by claim 1 is not provided by Sparber '429. In the second instance, where the switch 150 is disconnected, then clearly the above feature is not met because none of the ports P1-P3 communicate through the switch 150.

The present invention provides for alternative standby back-up communication lines that are distinct from the communication lines that are normally in use. The essence of the independent claims of the present application is that the switch protects against the failure of communication lines and causes an automatic switching of signals from failed communication lines to alternate communication lines.

In view of the above, it is respectfully requested that the U.S. PTO reconsider and withdraw this rejection.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

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Date

Respectfully submitted,



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